

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DARYL ROGERS,

Plaintiff,

v.

HOWARD, *et al.*

Defendants.

Case No.: 21-cv-5311-BJR-TLF

ORDER ADOPTING REPORT AND
RECOMMENDATION, GRANTING
SUMMARY JUDGMENT TO
DEFENDANTS, AND DISMISSING
CASE WITH PREJUDICE

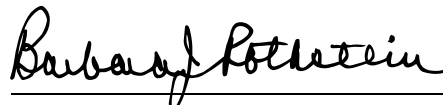
Currently before the Court is the Report and Recommendation of the Honorable Magistrate Judge Theresa L. Fricke recommending that the State Defendants' motion for summary judgment be granted and this case dismissed with prejudice. The Report and Recommendation was issued on May 29, 2024 and Plaintiff's objections, if any, were due on or before June 12, 2024. *See* Fed. R. Civ. P. 72(b)(2). Plaintiff did not file his objections until June 26, 2024, well past the designated deadline. Dkt. No. 135.

Plaintiff is well-versed in the procedures governing prisoner *pro se* cases such as this, having filed at least three separate lawsuits in as many years. *See e.g. Rogers v. Clark County Corrections*, 2023 WL 4847002, *1 (W.D. Wash. July 28, 2023); *Rogers v. Washington Department of Corrections*, Case No.: 21-cv-5011-BJR-TLF. Plaintiff is equally familiar with

1 the process of requesting extensions of time from the Court, having done so on multiple
2 occasions in his lawsuits. Here, however, Plaintiff neither requested an extension nor provided an
3 explanation for his tardiness. Therefore, the Court concludes that Plaintiff waived his right to a
4 *de novo* review of the Report and Recommendation. *See United States v. Reyna-Tapia*, 328 F.3d
5 1114, 1121 (9th Cir.) (*en banc*), *cert. denied*, 540 U.S. 900 (2003) (a parties' right to *de novo*
6 review by the district court may be deemed waived if objections are not timely filed); *Ghazali v.*
7 *Moran*, 46 F.3d 52, 54 (9th Cir. 1995) (although courts construe the pleadings of *pro se* litigants
8 liberally in their favor, they are still required to follow the rules of procedure).

9 Based on the foregoing, the Court HEREBY ADOPTS the Report and Recommendation,
10 GRANTS the State Defendants' motion for summary judgment, and DISMISSES Plaintiff's case
11 with prejudice.

12 Dated this 5th day of July 2024.

13
14 

15 Barbara Jacobs Rothstein
16 U.S. District Court Judge
17
18
19
20
21
22
23